

11.24.07 Duties of Mayor The Mayor or any other person or persons designated by him to tear down and remove any such house, building and/or structure constituting a nuisance will insure the removal thereof and dispose of the same in such a manner as deemed appropriate in the circumstances and to that end may, if the same have a substantial value, sell said house, building and/or structure, or any saleable material thereof, by public sale to the highest bidder for cash, ten (10) days' notice thereof being first given by one publication in some newspaper having a general circulation in the city, to insure its removal and the abatement of the nuisance. (Ord. No. 05-524, Sec. 7)

11.24.08 Proceeds of sale All the proceeds of the sale of any such house, building and/or structure, or the proceeds of the sale of saleable materials therefrom and all fines collected from the provisions of this ordinance shall be paid by the person or persons collecting the same to the City/Treasurer. If any such house, building and/or structure, or the saleable materials thereof, be sold for an amount which exceeds all costs incidental to the abatement of the nuisance (including the cleaning up of the premises) by the city, plus any fine or fines imposed, the balance thereof will be returned by the City/Treasurer to the former owner or owners of such house, building and/or structure constituting the nuisance. (Ord. No. 05-524, Sec. 8)

11.24.09 Enforcement of lien. If the city has any net costs in removal of any house, building or structure, the city shall have a lien on the property as provided by a.C.A. 14-54-904. The lien may be enforced in either one of the following manners:

- A. The lien may be enforced at any time within eighteen (18) months after work has been done, by an action in the Chancery Court, or
- B. The amount of the lien herein provided may be determined at a hearing before the governing body of the municipality held after thirty (30) days' written notice by certified mail to the owner or owners of the property, if the name and whereabouts of the owner or owners be known, and if the name of the owner or owners cannot be determined, then only after publication of notice of such hearing in a newspaper having a bona fide circulation in the county wherein the said property is located for one (1) insertion per week for four (4) consecutive weeks, the determination of said governing body being subject to appeal by the property owner in the Circuit Court, and the amount so determined at said hearing, plus ten percentum (10%) penalty for collection, shall be by the governing body of the municipality certified to the tax collector of the county wherein said municipality is located, and by him placed on the tax books as delinquent taxes, and collected accordingly, and the amount, less three percentum (3%) thereof, when so collected shall be paid to the municipality by the county tax collector. (Ord. No. 05-524, Sec. 9.)

11.24.10 Penalty A fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) is hereby imposed against the owner(s) of any house,

building and/or structure found and declared to be a nuisance and for each day thereafter said nuisance be not abated constitutes a separate and distinct offense punishable by a fine of Two Hundred Fifty Dollars (\$250.00) for each said separate and distinct offense, provided the notice as herein provided in Section 11.28.04 hereof has been given within ten (10) days after said house, building and/or structure has been by resolution found and declared to be a nuisance. (Ord. No. 05-524, Sec. 10)

11.24.11 Judicial condemnation, penalty, previous sections applicable. In the event it is deemed advisable by the City Council that a particular house, building and/or structure be judicially declared to be a nuisance by a court having jurisdiction of such matters, the City Council is hereby authorized to employ an attorney to bring such an action for said purpose in the name of the city, and the only notice to be given to the owner(s) and mortgagee(s) and/or lien holder(s) of any such house, building and/or structure sought to be judicially declared to be a nuisance will be that as now provided for by law in such cases in a court of equity or Circuit Court. When any such house, building and/or structure has been declared judicially to be a nuisance by a court of competent jurisdiction, a fine of One Hundred Dollars (\$100.00) is hereby imposed against the owner(s) thereof from the date said finding is made by the court and for each separate and distinct offense. In the event the owner(s) of any such house, building and/or structure judicially found to be a nuisance fails or refuses to abide by the orders of the court, the Mayor or persons referred to in Section 11.28.07 of this ordinance will take such action as provided in Section 11.28.07 hereof, and Section 11.28.08 of this ordinance will be applicable to such owner(s). The provisions contained in the immediately preceding sentences apply independently of any action as may be taken by the court judicially declaring the nuisance. (Ord. No. 05-524, Sec. 11)

CHAPTER 11.28

BUILDING AND MECHANICAL CODES

Sections:

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11.28.01 Adoption of building and mechanical codes. There is hereby adopted by the City Council of the city of Clarksville, Arkansas, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties, that certain building code known as the "Standard Building Code", 1991 Edition, and "Standard Mechanical Code", 1991 Edition, of which not less than three (3) copies each have been and now are filed in the office of the Clerk/Treasurer, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling in the construction of all buildings and structures therein contained within the corporate limits of the city.

11.28.02 Establishment of office of Building Official.

- A. The office of the Building Official is hereby created.
- B. The Building Official shall be appointed by the Mayor. His appointment shall continue during good behavior and satisfactory service. He shall not be removed from office except for cause after full opportunity has been given him to be heard on specific charges.
- C. During temporary absence or disability of the Building official, the Mayor shall designate an Acting Building Official.

11.28.03 Qualifications of Building Official. He shall be in good health, physically capable of making the necessary examinations and inspections. He shall not have any interest whatever, directly or indirectly, in the sale or manufacture of any material, process or device entering into or used in or connected with building construction, alterations, removal and demolition.

11.28.04 Duties of Building Official.

- A. He shall receive applications required by this code, issue permits and furnish the prescribed certificates. He shall examine the premises for which permits have been issued and shall make necessary inspections to see that the provisions of law are complied with and that construction is prosecuted safely. He shall enforce all provisions of the building code. He shall, when requested by proper authority, or when the public interest so requires, make investigations in connection with matters referred to in the building code and render written reports on the same. To enforce compliance with law, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction, or to require adequate exit facilities in buildings and structures, he shall issue such notices or orders as may be necessary.
- B. Inspections required under the provisions of the building code shall be made by the Building Official or his duly appointed assistant. The Building Official may accept reports of inspectors of recognized inspection services, after investigation of their qualifications and reliability. No certificate called for by any provision of the building code shall be issued on such reports unless the same are in writing and certified to by a responsible officer of such service.
- C. The Building Official shall keep comprehensive records of applications, of permits issued, of certificates issued, of inspections made, of reports rendered, and of notices or orders issued.
- D. All such records shall be open to public inspection for good and sufficient reasons at the stated office hours, but shall not be removed from the office of the Building Official without his written consent.
- E. The Building Official shall make written reports to his immediate superior once each month, or more often if requested, including statements of permits and certificates issued, and orders promulgated.

11.28.05 Liability. Any officer or employee, or member of the Board of Adjustments and Appeals, charged with the enforcement of this code, acting for the City in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted on the discharge of his duties. Any suit brought against any officer or employee because of such act performed by him in the enforcement of any provision of this code shall be defended by the City Attorney or Legal Representative of the City.

11.28.06 Right of entry. The Building Official, in the discharge of his official duties, and upon proper identification, shall have authority to enter any building, structure or premise at any reasonable hour.

11.28.07 Definition. Whenever the term "Corporation Counsel" is used in the building code, it shall be held to mean the City Attorney or other attorney acting for the city.

11.28.08 Fees.

- A. For building permit schedule of fees for erecting or repairing a building or structure, see Section 11.04.03(a).

Fractions to \$1,000 are considered to be the next \$1,000 in costs.

- B. Building permit schedule of fees for moving of building or structure.

For the moving of any building or structure, the fee shall be Ten (\$10.00) Dollars.

- C. Building permit schedule of fees for demolition of buildings or structures.

For the demolition of any building or structure, the fee shall be Four (\$4.00) Dollars.

11.28.09 Call back fees. If any building or structure fails for any reason, to pass the Building Official's inspection and the Building Official has to reinspect said building or structure, there will be an additional charge of Five (\$5.00) Dollars for each inspection; and any and all fees shall be paid by the person to whom the permit is issued.

CHAPTER 11.32

GAS CODE

Sections:

11.32.01 Adopted
11.32.02 Filed

11.32.01 Adopted. The Arkansas State Gas Code as printed and bound for 1975 is hereby adopted as the City of Clarksville Code. (Ord. No. 117, Sec. 1)

11.32.02 Filed. The copies of the printed, bound code shall be filed with the City Clerk and Recorder to be kept at all times for inspection by the public. (Ord. No. 117, Sec. 2)

CHAPTER 11.36

ENERGY CODE

Sections:

11.36.01 Adoption of Energy Code

11.36.01 Adoption of Energy Code. There is hereby adopted by the City Council of Clarksville, Arkansas, for the purpose of establishing rules and regulations for energy efficient standards for new building construction, this code known as the 1994 Arkansas Energy Code, being particularly the 1994 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended, of which not less than three (3) copies have been and now are filed in the office of the Clerk or Recorder of the city of Clarksville, Arkansas, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this chapter shall take effect, the provisions thereof shall be controlling in the construction of all buildings and structures therein contained within the corporate limits of the city of Clarksville, Arkansas. (Ord. No. 342, Sec. 1)

CHAPTER 11.40

MINING

Sections:

11.40.01 Unlawful
 11.40.02 Penalty
 11.40.03 Drilling for oil and gas
 11.40.04 Special use permit application
 11.40.05 Required information
 11.40.06 Limitations
 11.40.07 Conditions
 11.40.08 Additional requirements
 11.40.09 Starting time

11.40.01 Unlawful. It shall be unlawful for any person, firm or corporation to do any mining for any coal, mineral, stone or other commercial product within the corporate limits of the city. Mining shall mean by any method, strip, shaft, slope, hydraulic or any other, to recover any minerals, ores, stone or any commercial product. (Ord. No. 468, Sec. 1)

11.40.02 Penalty. Any person, firm or corporation who shall violate any of the provisions of Section 11.40.01 hereof shall be upon conviction fined in any sum not less than Twenty-Five Dollars (\$25.00) nor more than Two Hundred Fifty Dollars (\$250.00) or by imprisonment for not more than one (1) year, or, by fine and imprisonment. (Ord. No. 468, Sec. 2)

11.40.03 Drilling for oil and gas. This ordinance is hereby adopted for the purpose of prescribing regulations governing conditions for the drilling of oil and gas wells within the city of Clarksville, Arkansas. A special use permit is hereby established to set standards used in approving oil and gas well operations and to establish procedures for processing the permits. Certain uses are defined as special uses because of the potential harmful effects the use can cause to nearby property and public streets, and because the requirements needed to eliminate those harmful effects vary from site to site. Thus, the City Council, in considering each special use request, will review the overall compatibility of the planned use with surrounding property as well as such specific items as street standards, traffic patterns, compliance with the adopted Fire Prevention Code of the city, amount of dust or spillage created by the operation, traffic control, etc., to make sure no harmful effects occur to nearby property or existing public property. While nothing herein shall be interpreted or applied so as to effectively prevent or eliminate oil or gas drilling within the city limits of Clarksville, the City Council may refuse to grant any permit if the special use in question poses an unreasonable danger to the public health, safety or welfare. (Ord. No. 158, Sec. 1)

11.40.04 Special use permit application The application for a special use permit shall be made to the office of the Mayor by the owner or agent of the oil and gas well operations. The application shall include four (4) copies of the required site plan. The fee for processing a special use application is One Hundred Dollars (\$100.00).

The required survey and site plan shall be submitted on paper no larger than twenty-four (24) inches by thirty-six (36) inches and no smaller than twelve (12) inches by twenty-four (24) inches. The site plan shall be drawn to scale of no less than one (1) inch equals twenty (20) feet unless the City Council approves a different scale. The survey and site plan shall, at a minimum, contain the following information:

- A. The land to be included in the proposed use along with a written legal description of the land.
- B. The location and dimensions of all public rights-of-way on or abutting the planned area.
- C. Existing and proposed finished grade on the site, with particular attention to drainage.
- D. Location of all points of vehicular entrance and exit to the site. The location and dimensions of all existing easements and public improvements within the site.

- E. The location of permanent or temporary structures or proposed structures to be located on the site.
- F. The location of any reserve pit.
- G. Location of closest available water to the site.
- H. Exact location of the proposed drilling rig.
- I. Location of an all weather roadway (shale, SB-2 etc.) capable of supporting fire apparatus on the site.
- J. Location of all security fencing around the site (if applicable). (Ord. No. 158, Sec. 2)

11.40.05 Required information. The complete application, including all supportive information, must be received by the Mayor at least thirty (30) working days before the date that work is to commence. The special use application shall contain the following information:

- A. A survey and site plan of the property prepared by a certified land surveyor or registered civil engineer.
- B. The street address or addresses of the entire property.
- C. The present zoning classification of the property, using such words as "residential", "industrial", and "commercial" along with the numeral and letters in lieu of letters such as "R-2-MF"
- D. A description of the proposed special use, including the description of any construction of temporary structures to be erected on the property.
- E. The projected route of truck traffic to and from the operation site including the projected number of trips. The number of trips and route may be regulated by the City Council.
- F. The name of subcontractor responsible for site preparation (a separate special use permit is required).
- G. In addition to the above information, the applicant shall submit supportive information that shall be deemed necessary by the City Council. If additional information is requested, an additional seven (7) working days shall be required for the processing of the application. (Ord. No. 158, Sec. 3)

11.40.06 Limitations.

The City Council may impose reasonable conditions and restrictions upon the application under consideration with the intent of minimizing the impact of the special use permit operation upon nearby property or public property. The limitations placed upon a special use permit may include but are not limited to: (1) method for cleaning materials used in the operations that are dropped, shifted, leaked, or otherwise escape onto a roadway from the vehicle transporting such materials, and such material shall be removed as necessary each day; (2) method of controlling traffic (flagman or traffic control devices may be required at the contractor's expense); (3) weight limits may be placed on all haulers to minimize damage to public facilities (reasonable weight limits to be determined by the Mayor or his designated agent); (4) the number of hours that site preparation work can be conducted on the premises may be regulated by the City Council to minimize harmful effects on nearby property owners. (Ord. No. 158, Sec. 4)

11.40.07 Conditions.

The applicant must be in compliance with the Fire Prevention Code of the city and must also meet the following conditions:

- A. The reserve pit shall be located a minimum of one hundred (100) feet from any structure.
- B. All standing brush or trees shall be cleared for a radius of fifty (50) feet from a reserve pit.
- C. Reserve pit shall be diked or otherwise constructed to protect public property and the environment.
- D. Water must be available at the site (within one thousand five hundred (1,500) feet by either fire hydrant or hoses which will fit fire department connections.
- E. Drilling platform shall be a minimum twenty-five (25) feet from any roadway.
- F. An all weather roadway capable of supporting fire apparatus shall be available at the site.
- G. When surface blasting is required, the following precautions shall be taken: (a) blasting shall be conducted by federally licensed technicians; (b) authorities having jurisdiction shall monitor blasting and blasting shall be limited to the day light hours, between the hours of 8:00 a.m. to 5:00 p.m.

- H. The drilling site shall have security fencing around the entire site or personnel on the site twenty-four (24) hours during the operations to prohibit unauthorized access.
- I. A list of trained personnel to be called in case of a blow-out shall be furnished to the Clarksville Fire Department.
- J. Temporary repairs to the city streets may be required by the Mayor or his designated agent. (Ord. No. 158, Sec. 5)

11.40.08 Additional requirements.

All reasonable conditions required for a special use must be met before any operations may begin. The owner or applicant filing for a special use permit shall sign a binding agreement with the city of Clarksville that all damages to public property related to this operation, for which the owner or applicant is legally responsible, shall be repaired at the expense of the applicant. The Mayor shall determine the condition of public facilities (including photos and documentation) prior to the initiation of the operation. A bond, for a reasonable amount, shall be required for the amount determined by the City Council. Immediately after completion of the drilling of the well site, repairs will commence on the damage that has been done to the public property. Failure of the applicant to correctly repair all damaged public facilities, for which it has been determined responsible, may result in the revocation of all existing or future permits for said company and the City Attorney is authorized to take what means are necessary to insure that the public facilities are repaired. (Ord. No. 158, Sec. 6)

11.40.09 Starting time.

The drilling operation must begin within six (6) months of the authorization unless a special time limit (less than six (6) months has been imposed by the Mayor or his designated agent). (Ord. No. 158, Sec. 7)

CHAPTER 11.44**CODES ADOPTED BY REFERENCE****Sections:**

- 11.44.01 Codes adopted by reference
 11.44.02 Designated official

11.44.01 Codes adopted by reference It is ordained by the city of Clarksville that the following codes are hereby adopted by reference as though they were copied herein fully:

Arkansas Fire Prevention Code	2002
Volume I	Volume II
Appendix B	Appendix C
Appendix C	Appendix E
Appendix D	Appendix I
National Electrical Code	2005
Arkansas Mechanical Code	2003
Arkansas State Plumbing Code	2003
Appendix F	Appendix J
Appendix K	
Current National Fire Protection Association (NFPA)	
National Fuel Gas Code	1999
(Ord. No. 05-508, Sec. 1.)	

11.44.02 Designated official It is further ordained that within said Codes, when reference is made to the duties of a certain official owned therein, that designated official of the city of Clarksville who has duties corresponding to those of the named official in this Code shall be deemed to be the responsible official insofar as enforcing the provisions of said code are concerned. (Ord. No. 00-405, Sec. 2.)

CHAPTER 11.48**MECHANICAL CODE****Sections:**

- 11.48.01 Code adopted
 11.48.02 Amended
 11.48.03 Publication
 11.48.04 Penalty

11.48.01 Code adopted There is hereby adopted by the city of Clarksville the State of Arkansas Mechanical Code, as recommended by the Southern Building Code Congress, being particularly the 1991 Edition thereof, save and except such portions as amended in Section 2 below. These rules and regulations are adopted in an attempt to ensure safe mechanical installations including alterations, repairs, replacements, equipment, appliances, fixtures, fittings and appurtenances thereto, so as to safeguard life, health, and the public welfare.

For purposes of this ordinance, the Building Official, his assistants, or any individual assigned by the Mayor, shall be the "Administrative Authority" authorized to enforce the provisions of the Mechanical Code. (Ord. No. 362, Sec. 1.)

11.48.02 Amended The aforementioned code shall be amended as follows:

- A. Flex duct shall be allowed only on branch lines;
- B. Flex duct shall be no longer than six (6) feet in length;
- C. Mechanically approved fittings are required for all turns;
- D. Mechanically approved fittings are required for take off;
- E. Fiber duct shall not be allowed;
- F. The following fee schedule shall be substituted for the "Schedule of Permit Fees" found at Appendix B of the Mechanical code:

Mechanical Code:

Residential Inspections:

One (1) unit	\$20.00
For each additional unit	\$10.00

Commercial Inspections:

For up to four (4) units	\$30.00
For each additional unit over and above four (4) units	\$10.00

(Note - One (1) unit consists of one (1) A.C. unit and one (1) heating or combination heat and air unit.)

Inspection of Alterations:

The fee for inspecting alterations and additions to an existing system shall be \$15.00 unless a new unit is installed.

Reinspection:

In case it becomes necessary to make a reinspection of a heating, ventilation, air conditioning or refrigeration system, the installer of such equipment shall pay a reinspection fee of \$20.00. (Ord. No. 362, Sec. 2.)

1 1.48.03 Publication Three (3) copies of this code have been and are now filed in the office of the Clerk and/or Building Official of the city of Clarksville, Arkansas, and the same are hereby adopted and incorporated, as amended, as fully set out at length herein. From the date on which this ordinance shall take effect, the provisions of the aforementioned code shall be controlling in the construction of all buildings and other structures within the corporate limits of the city of Clarksville, Arkansas, except as regulated by other ordinances of the Clarksville Municipal Code. (Ord. No. 362, Sec. 3.)

11.48.04 Penalty A.C.A. 14-55-102 empowers municipal corporations to adopt ordinances to provide for the safety, health, comfort, and convenience of inhabitants of the city. Violations of the Mechanical Code shall be considered a violation of this ordinance, and shall be punishable as a misdemeanor offense. Violations of the Mechanical Code shall be considered a violation of this ordinance, and shall be punishable as a misdemeanor offense. Violation of any of the provisions of the Mechanical Code as adopted as a result of this ordinance or other provisions of this ordinance shall be punishable by a fine up to \$250.00. Each day that said violation continues shall be a separate offense and each day subsequent to the first day of violation shall be punishable by a fine of up to \$250.00 per day. (Ord. No. 362, Sec. 4.)